

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONNIE BRIGGS,

Plaintiff,

v.

BRIAN ADDENTON; ARRON
KIAEJAMAL,

Defendants.

No. C 20-7165 WHA (PR)

**ORDER OF DISMISSAL;
GRANTING LEAVE TO PROCEED
IN FORMA PAUPERIS**

(ECF Nos 7, 8)

Plaintiff filed this pro se civil rights case under 42 U.S.C. § 1983. He also seeks leave to proceed in forma pauperis.

Federal courts must engage in a preliminary screening of cases in which individuals seeking to proceed in forma pauperis seek redress from a governmental entity or officer or employee of a governmental entity and identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. 1915(e). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990). To state a claim under 42 U.S.C. 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged deprivation was committed by a person acting under the color of state law. *See West v. Atkins*, 487 U.S. 42, 48 (1988).

As in his prior cases, plaintiff sets forth an incomprehensible narrative in his complaint and alleges that police officers improperly confiscated his personal property. He has been advised on many occasions that such allegations do not present a cognizable claim for relief

1 under Section 1983. *See Parratt v. Taylor*, 451 U.S. 527, 535-44 (1981); *Barnett v. Centoni*, 31
2 F.3d 813, 816-17 (9th Cir. 1994) (citing Cal. Gov't Code §§ 810-895). Because such
3 advisements have not stopped plaintiff from continuing to present the same non-cognizable
4 claims, offering him the opportunity to file an amended complaint would be futile.

5 Accordingly, this case is **DISMISSED** as for failure to state a cognizable claim for relief.
6 Plaintiff's applications to proceed in forma pauperis are **GRANTED** because they show that he is
7 destitute.

8 The clerk shall enter judgment and close the file.

9 **IT IS SO ORDERED.**

10 Dated: December 1, 2020.

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12 WILLIAM ALSUP
13 UNITED STATES DISTRICT JUDGE
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